

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-80025

Honorable Victoria A. Roberts

KEVIN WATSON,

Defendant.

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**ORDER ALLOWING WATSON TO REFILE NOTICE
OF APPEAL DUE TO THE COURT'S CLERICAL ERROR**

Kevin Watson is serving a sentence at USP Terre Haute. His prisoner number is 39240-039.

On March 19, 2021, the Court denied Watson's motion for a sentence reduction. Watson timely moved for reconsideration of the order, and the Court denied that motion on May 6, 2021.

The Court attempted to serve Watson with the order denying his motion for reconsideration by mail. However, the Court made a clerical error when addressing the envelope: it transposed Watson's prisoner number. On June 10, 2021, the order denying Watson's motion for reconsideration was returned as undeliverable. [See ECF No. 977]. As the

returned envelope in ECF No. 977 shows, the Court accidentally put Watson's prisoner number as 39420-039 – not 39240-039.

Because of the Court's clerical error, Watson never received the order denying his motion for reconsideration.

Watson later received notice of that order when the Court sent Watson a copy of the docket sheet. Once he received notice of the order from the docket sheet, Watson immediately filed a notice of appeal of the Court's order denying his motion for sentence reduction.

However, because Watson filed his notice of appeal more than 14 days after May 6, 2021 – the date the Court entered the order denying his reconsideration motion – the Sixth Circuit dismissed his appeal for failing to file a timely notice of appeal.

The Court enters this order to notify the Sixth Circuit that Watson's failure to file a timely notice of appeal was due to this Court's clerical error – and no fault of Watson's.

Watson may refile his notice of appeal within fourteen days of this order.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 8, 2021